

JEAN E. WILLIAMS, Acting Assistant Attorney General
SETH M. BARSKY, Section Chief
S. JAY GOVINDAN, Assistant Section Chief
U.S. Department of Justice
Environment & Natural Resources Division
NICOLE M. SMITH, Trial Attorney (CA Bar No. 303629)
150 M St. NE, Washington, D.C. 20002, Tel: (202) 305-0368
LESLEY LAWRENCE-HAMMER, Senior Trial Attorney (DC Bar No. 982196)
EVE W. MCDONALD, Trial Attorney (CO Bar No. 26304)
999 18th Street, South Terrace – Suite 370, Denver, CO 80202
Tel: (303) 844-1368 (Lawrence-Hammer); Tel: (303) 844-1381 (McDonald)
Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, et al.,
Plaintiffs,

V.

GINA RAIMONDO, in her official capacity as Secretary of Commerce, et al.,

Defendants.

THE CALIFORNIA NATURAL
RESOURCES AGENCY, et al.,
Plaintiffs,

V.

GINA RAIMONDO, et al.,
Defendants.

Case No. 1:20-cv-00426-DAD-EPG
Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION TO EXTEND BY TWO
WEEKS THE DEADLINES FOR RESPONSES
TO PLAINTIFFS' MOTIONS TO
COMPLETE AND/OR SUPPLEMENT THE
ADMINISTRATIVE RECORDS AND
PLAINTIFFS' REPLIES**

This stipulation is entered between the parties for an extension of two weeks for Federal Defendants to respond to Plaintiffs' motions in *Pacific Coast Federation of Fishermen's Associations v. Raimondo* ("PCFFA"), Case No. 1:20-cv-00431-DAD-EPG, to complete the administrative records or, in the alternative, supplement the administrative records (ECF 224), and in *California Natural Resources Agency v. Raimondo* ("CNRA"), Case No. 1:20-cv-00426-DAD-EPG (ECF 149, ECF 158), to complete and supplement the records (collectively, "Plaintiffs' Motions"), and corresponding two-week extensions for the deadlines for Intervenor-Defendants' responses as well as any replies by Plaintiffs.

RECITALS

WHEREAS, on September 23, 2020, the parties stipulated to a schedule for Federal Defendants to produce the administrative records of the United States Fish and Wildlife Service (“FWS”), the National Marine Fisheries Service (“NMFS”), and Bureau of Reclamation (“BOR”) for these cases, *CNRA*, ECF 142; *PCFFA*, ECF 217, and the stipulation established a meet and confer process regarding the submitted administrative records and a briefing schedule for any motions to supplement and/or complete the records;

WHEREAS, in accordance with the parties' stipulation, Federal Defendants submitted the three agencies' respective administrative records in these cases on September 23, 2020, *CNRA*, ECF 143; *PCFFA*, ECF 218, and after receiving the records, Plaintiffs in both cases and Intervenor-Defendants identified documents and categories of documents that they wished the agencies would include in the records, the parties met and conferred, and in an effort to narrow the scope of the dispute, Federal Defendants agreed to add certain, but not all, of these documents to the records;

WHEREAS, on December 18, 2020, Plaintiffs in *CNRA* and *PCFFA* filed separate motions to complete and/or supplement the administrative records along with memorandums of law and exhibits, *CNRA*, ECF 149-155; *PCFFA*, ECF 224-239;

WHEREAS, under Executive Order 13390 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis, 86 Fed. Reg. 7,037 (Jan. 25, 2021),

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1 2021)), FWS, NMFS, and the BOR are currently reviewing the 2019 biological opinions for the
2 Long-Term Operations of the Central Valley Project and State Water Project (“CVP”)
3 challenged in these cases, consistent with the President’s direction in that Executive Order¹;

4 WHEREAS, on April 30, 2021, the Court most recently extended the due dates for
5 Federal Defendants’ response to Plaintiffs’ Motions to June 14, 2021, the due date for
6 Intervenor-Defendants’ responses to Plaintiffs’ Motions to June 18, 2021, and the due date for
7 any replies by Plaintiffs to July 9, 2021 (*CNRA*, ECF 173, *PCFFA*, ECF 261);

8 WHEREAS, Federal Defendants are still evaluating Plaintiffs’ Motions; and

9 WHEREAS, Federal Defendants intend to move shortly for a stay of these cases to
10 facilitate review of the 2019 biological opinions under Executive Order 13990 in order to
11 conserve judicial resources. This extension will allow the parties additional time to discuss
12 whether the parties can reach agreement about a potential stay of litigation before Federal
13 Defendants file a motion for stay.

14 **STIPULATION**

15 Now therefore, counsel for Federal Defendants, Plaintiffs, and Defendant-Intervenors
16 hereby agree and stipulate, subject to approval by the Court, that: (1) the due date for Federal
17 Defendants’ responses to Plaintiffs’ motions to complete and/or supplement the administrative
18 records is extended to June 28, 2021; (2) the due date for Intervenor-Defendants’ responses to
19 Plaintiffs’ Motions is extended to July 2, 2021; and the due date for Plaintiffs’ replies is extended
20 to July 23, 2021.

21
22 Respectfully submitted,

23 Dated: June 11, 2021 JEAN E. WILLIAMS
24 Acting Assistant Attorney General
25 SETH M. BARSKY, Section Chief
S. JAY GOVINDAN, Assistant Section Chief
U.S. Department of Justice

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27 ¹ See The White House, *Fact Sheet: List of Agency Actions for Review*,
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/> (last visited June 11, 2021).

1 Environment & Natural Resources Division
2 LESLEY LAWRENCE-HAMMER
3 Sr. Trial Attorney
4 EVE W. MCDONALD
Trial Attorney

5 */s/ Nicole M. Smith*
6 NICOLE M. SMITH
7 Trial Attorney
Attorneys for Federal Defendants

8 Dated: June 11, 2021

9 */s/ Barbara Jane Chisholm*
10 HAMILTON CANDEE
11 BARBARA JANE CHISHOLM
12 ELIZABETH VISSERS
ALTSHULER BERZON LLP
*Attorneys for Plaintiffs Golden State Salmon Association,
Natural Resources Defense Council Inc., Defenders of
Wildlife, and Bay.Org d/b/a The Bay Institute*

13 Dated: June 11, 2021

14 */s/ Glen H. Spain*
15 GLEN H. SPAIN
*Attorney for Plaintiffs Pacific Coast Federation of
Fishermen's Associations and Institute for Fisheries
Resources*

16 Dated: June 11, 2021

17 ROB BONTA
18 Attorney General of California
TRACY L. WINSOR
Supervising Deputy Attorney General

19 */s/ Daniel M. Fuchs*
20 DANIEL M. FUCHS
Deputy Attorney General
*Attorneys for Plaintiffs California Natural Resources
Agency, California Environmental Protection Agency, and
People of the State of California by and through Attorney
General Rob Bonta*

21 Dated: June 11, 2021

22 */s/ Daniel J. O'Hanlon*
23 Daniel J. O'Hanlon
DANIEL J. O'HANLON (SBN 122380)
CARISSA M. BEECHAM (SBN 254625)
REBECCA L. HARMS (SBN 307954)
JENIFER N. GEE (SBN 311492)
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

*Attorneys for San Luis & Delta-Mendota Water Authority
and Westlands Water District*

Dated: June 11, 2021

/s/ Andrew Hitchings

ANDREW HITCHINGS

SOMACH SIMMONS & DUNN

Attorneys for Intervenor-Defendants Glenn- Coclusa Irrigation District; Reclamation District No. 1004; Conaway Preservation Group, LLC; David and Alice te Velde Family Trust; Pelgar Road 1700, LLC; Anderson-Cottonwood Irrigation District; City of Redding; and Knights Landing Investors, LLC

Dated: June 11, 2021

/s/ *Meredith E. Nikkel*

MEREDITH E. NIKKEL

DOWNEY BRAND LLP

Attorneys for Reclamation District No. 108, Sutter Mutual Water Company; Natomas Central Mutual Water Company; River Garden Farms Water Company; Pleasant Grove-Verona Mutual Water Company; Pelger Mutual Water Company; Meridian Farms Water Company; Henry D. Richter, Et Al.; Howald Farms, Inc.; Oji Brothers Farm, Inc.; Oji Family Partnership; Carter Mutual Water Company; Windswept Land And Livestock Company; Maxwell Irrigation District; Beverly F. Andreotti, Et Al.; Tisdale Irrigation And Drainage Company; Provident Irrigation District; Princeton-Codora-Glenn Irrigation District; And Tehama-Colusa Canal Authority

Dated: June 11, 2021

/s/ *Mathew G. Adams*

MATTHEW G. ADAMS

KAPLAN KIRSCH & ROCKWELL, LLP

*Attorneys for Friant Water Authority and Arvin-Edison
Water Storage District*

Dated: June 11, 2021

/s/ *Jenna R. Mandell-Rice*

JENNA R. MANDELL-RICE

JENNIFER M. KELLEY RICE
VAN NESS FELDMAN, LLP
*Attorneys for Intervenor-Defendants The State Water
Contractors*

Dated: June 11, 2021

/s/ Marc R. Bruner

MARC R. BRUNER

PERKINS COIE LLP

Attorneys for Intervenor-Defendant Contra Costa Water District

Dated: June 10, 2021 /s/ Timothy O'Laughlin
 TIMOTHY O'LAUGHLIN
 O'LAUGHLIN & PARIS, PLC
 Attorneys for Intervenor-Defendant
 Oakdale Irrigation District

Dated: June 10, 2021 /s/ Kenneth Robbins
 KENNETH ROBBINS
 ROBBINS, BROWNING, GODWIN & MARCHINI
 Attorneys for Intervenor-Defendant South San Joaquin
 Irrigation District

Dated: June 11, 2021 /s/ Jennifer T. Buckman
 JENNIFER T. BUCKMAN
 BARTKIEWICZ, KRONICK & SHANAHAN, PC
 Attorneys for Intervenor-Defendant City of Folsom, City of
 Roseville, and San Juan Water District

ORDER

Pursuant to the Parties' Stipulation, the Court hereby orders as follows:

(1) the due date for Federal Defendants' responses to Plaintiffs' motions in *PCFFA v. Raimondo*, Case No. 1: 20-cv-00431-DAD-EPG, to complete the administrative records or, in the alternative, supplement the administrative records (ECF 224), and in *CNRA v. Raimondo*, Case No. 1:20-cv-00426-DAD-EPG (ECF 149; ECF 158), to complete and supplement the records, is June 28, 2021;

(2) the due date for Intervenor-Defendants' responses to Plaintiffs' Motions is July 2, 2021; and

(3) the due date for Plaintiffs' replies is July 23, 2021.

IT IS SO ORDERED.

Dated: **June 15, 2021**

Dale A. Dugd

UNITED STATES DISTRICT JUDGE

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